

The Daily Courant.

Tuesday, April 24. 1705.

London, April 24.

Count Marfigli's Vindication continued.

When it too plainly appear'd the Enemy had determin'd to attack Brisac, the Count of Arco forbore to oppose the last Efforts I made to dispose all things for defending the Place as well as was possible; and doing the Duty of an Ingenier my self, I mark'd out the Mines, the properest Places for planting Cannon, &c. tho' all this Pains was useless, for want of Gunners, Bombardiers, and Miners. I appointed the Burgo-Masters their several Posts, and gave them in Charge to forward the Works. And notwithstanding all this, in several Days nothing was done.

To supply the Want of Artillery, I ask'd the Captain of the Arsenal for some double Harquebusses, of which I was assur'd a few Days before he had a great Number; but he had none. Nay, when towards the end of the Siege the Garrison demanded Flints for their Firelocks, and some new Musquets, Answer was made there was not one Musquet nor so much as one Flint: Which I was extremely troubled to hear.

Mean Time being unable with all that could possibly be done, to stop the Progress of the Enemy, who got Ground daily by their Saps, Bombs, and Batteries, it was consequently impossible to hinder them from making themselves Masters of the Ditch.

However, I represented to the Garrison, that the Prince of Baden in his Letter of the 16th of February, which had been made publick long before, expressly forbade the yielding up of the Place, except with Sword in Hand in the Breach; and being my self determin'd to die in defending it, I drew up the Troops on the Breach which the Enemy had made, to sustain the Assault.

Things standing thus, the 6th of September in the Morning an Order from the Count of Arco was brought to me and to 30 other Officers of the Garrison to repair to the Council. Whither being come, the Count of Arco communicated to us a Letter from the Prince of Baden, dated June 30. 1703. being the same wherein he acquainted us he could not let us have Cannon from Fribourg, which, as I said before, the Governour told me without shewing me the Letter; But now it was read out to the Council, and in Substance was as follows.

BY the Relation sent to me the 21st of this Month, I see not only what Condition the Garrison of Brisac is in, but the Want there is of things necessary in the Place. To be plain, I cannot help owning, in Confidence, to the Lieutenant General, that notwithstanding the earnest Representations I have often made to the Court, I am even my self abandon'd, and without any Succour, inasmuch that sometimes I find it difficult to supply my own daily Occasions: And consequently I am less able to assist you either with Money or any other thing necessary, so that you must regulate your own Conduct, as your Ability and Zeal for the Service of our most August Master, shall prompt you when there is Occasion. As for the Cannon belonging to Brisac, and which are at present in Fribourg, I cannot permit the taking of them from thence at this Juncture, because in all Appearance they will be more wanted in Fribourg than in Brisac.

After the Reading of this Letter, the Count of

Arco address'd himself to the Council, and observ'd to them that it was a revocatory Letter of the above-said Order given by his Highness the 16th of February, to defend the Place to the last Extremity. That accordingly he conceiv'd it was left to our Prudence to judge whether it was more advantageous for his Imperial Majesty's Service to preserve the Garrison by Capitulating, or to expose them to the manifest Danger of perishing with the Loss of the Place; and therefore commanded every Officer to Vote, as his Conscience should suggest to him, and upon Oath, what was to be done. Each of them then, being sensible of the Impossibility of preventing the Loss of Brisac, they all unanimously concurr'd in the Opinion that it was expedient for the Service of the Empire to save the Garrison at least. I was to give my Voice the last but one; and after having heard the Sentiments of 30 other Officers, considering I had no particular Order, and that I was to govern my self by those the Count of Arco had communicated to me; after I had well examin'd the Duty, my Conscience and the Fidelity I had sworn requir'd of me; I could not refuse to concur in the general Opinion: Only I added, That if an honourable Capitulation could not be obtain'd, we ought to die fighting.

The Garrison being march'd out through the Breach, with Drums beating, and Colours flying, the unhappy News of the Surrender of so important a Place was carried to the Prince of Baden. The Vexation he conceiv'd at a Blow so terrible, and so prejudicial to the House of Austria, made him resolve immediately to declare infamous the Count of Arco and me, with the whole Garrison, for having all of us, as he suppos'd, been wanting to our Duty; and this he did, before he had heard the Report of General La Tour, whom he sent Express to inform himself truly of the Causes and Circumstances of the Surrender.

The Report of General La Tour, after he had thoroughly inform'd himself of the whole Matter, was, that Brisac had been surrendered very honourably; and being known to be a Man of Honour, 'tis not to be doubted if his Opinion were now ask'd of that Surrender, he would say the same thing. Notwithstanding which, the Prince of Baden, without having any Regard to the Report of that Gentleman, made Instance to the Court of Vienna that we might be try'd by the *Gemeene*, which is a Court Martial compos'd of Officers and private Soldiers, among whom, to our Misfortune but few Officers, Subjects of the Empire were nominated, which is contrary to the common Custom. These Delagates without troubling themselves with the Report of Gen. La Tour, or communicating to the pretended Criminals the Depositions of the Witnesses, proceeded with extraordinary Precipitation to pronounce Sentence. 'Tis observable however, that of those Delagates some were so offended at the Irregularity of the Proceedings against us, that they retir'd out of the Court that they might have no Part in the Judgment that should be pass'd. This is well known, especially at Bregentz where we were tried.

The Sentence ran thus, The 2 Generals the Count of Arco and the Count de Marfigli, the 2 Colonels Ek and Tanner, 2 Lieutenant Colonels, 4 Majors, 8 Captains, 8 Lieutenants, and 7 Ensigns, all of the 4 Regiments of Baden, Bareith, Marfigli, and Gratz, having 13 Days after the Trenches were open'd

open'd surrendred the Important Town of Brisac to the Duke of Burgundy, without being able to shew the least Want of things necessary in the Place; and without standing an Assault, contrary to all Expectation; the Delagates appointed by his Imperial Majesty, having thoroughly inform'd themselves of whole Matter, do unanimously ajudge, that the said Count Philip of Arco, Governor of the said Town of Brisac, for having acted not only most expressly against the Oath he took, and the Articles of War, to him sufficiently known, but likewise against the positive reiterated Orders of the Prince of Baden Lieutenant General, dated the 16th of February and the 18th of May last Year, that he should fight to the last Drop of Blood; and lastly for not having made the Dispositions necessary for a vigorous Defence, nor provided the Place with things necessary; and for having abandon'd the Out-Works unnecessarily; shall be beheaded with a Sword, and his Estate, one 4th excepted, shall be confiscated to pay the Charge of the Process.

General Marfigli, though according to the Rigour and Practice of the Laws of War he has deserved Death, and to be beheaded with a Sword, for having been the next in Command to the Governour, and for having been well acquainted with so positive an Order, and for giving his Vote and Consent to the Capitulation, which he ought by all Ways to have hinder'd, for the Service of his Imperial Majesty, and for the Publick Good: However, shall only be dismiss'd; shall have his Sword broken, and be made incapable of all Honours and Employments; besides which, his Baggage shall be sold to pay the Charge of the Process.

The Baron Ek, being a Brigadier, and having been the Occasion, both of holding the Council of War, and also of the Resolution of so speedy a Capitulation, and having perswaded the Governour to make it, shall be ignominiously broken, and cashier'd as infamous, and besides be fin'd 1000 Dollars, to go towards the Charge of the Process.

Colonel Tanner, who likewise consented to so vile a Capitulation, and gave his Suffrage contrary to direct Order as he well knew, shall be put out from his Command, but his Honour shall be sav'd, and be oblig'd to pay 1000 Dollars towards the Expence of the Court.

The 2 Lieutenant-Colonels: The 4 Majors: And the 8 Captains, aforementioned; shall likewise lose their Command (their Honour sav'd) and pay, the Lieutenant Colonels 500 Dollars each, the Majors 300, and the Captains 100, towards the Charge of the Process, and shall all remain confin'd till they have paid the same.

The 8 Lieutenants, and 7 Ensigns, who gave their Voices against the known Orders, shall be cashier'd without Dishonour, and be exempt from a Fine.

As for all the other Captains, Lieutenants, and Ensigns of the whole Garrison, they shall purge themselves by Oath, that they knew nothing of the Capitulation, nor would ever have consented to it. And in Case they cannot or will not swear this, they shall serve as common Sentinels 2 Months. And those that are cashier'd with Dishonour, and broken by this Sentence, are further condemn'd to take a solemn Oath that they will never serve against the Emperor, the Empire, or their Allies.

Done at Bregents, February 4. 1705.

Corke, April 13. To day came in Her Majesty's Ship the Bridgewater, with several Ships under her Convoy from Bristol. The Men of War, Transports, and other Ships bound for Portugal, being all at the Cove, and the Horses embark'd, had Order to sail to Day: But were prevented by the Wind's coming abut to the Southward. They will sail with the first fair Wind.

Shields, April 20. Besides the Fleet of about 200 laden Colliers mention'd in my last, another of a like Number sail'd from hence for the River Yesterday

day Morning, under Convooy of Her Majesty's Ships the Assistance and Queenbrough; 2 Days ago about 40 or 50 Sail of light Colliers arriv'd here, without Convooy.

Plymouth, April 20. The 18th a Ship of Rayone, a Prize taken by a flushing Privateer, was sent in hither. Yesterday sail'd to the Eastward Her Majesty's Ships the Dorchester, Blackwall, Jerzey, and Discovery Gally, with 20 Sail of Merchant Ships under their Convooy.

The Candidates agreed on to be Representatives for the City of London in the ensuing Parliament, are,

Sir John Fleet,
Sir John Parsons,
Sir William Withers,
Sir Richard Hoare,

Knights and Aldermen.

Being Gentlemen of Integrity, known Abilities, and well affected to her Majesty and her Government.

Never Acted but Once.

At the Theatre Royal in Drury-Lane, this present Tuesday, being the 24th of April, will be presented a new Comedy call'd, The Tender Husband; Or, The Accomplish'd Fools.

Never Acted before.

At the Queen's Theatre in the Hay-Market, this present Tuesday being the 24th of April, will be presented a new Farce call'd, The Consultation. To which will be added an Italian Pastoral call'd, The Loves of Argado: The Part of Lioris to be perform'd by the new Italian Boy.

There is a Cold Bath

At the Hummums in Charles Street, Covent-Garden, with every thing Convenient for Cold Bathing. Attendance will be given every Day till Two in the Afternoon.

There is lately arriv'd at Billingsgate a Vessel with very large, new and white Newfoundland Cod-fish, taken as Prize from the French; never landed, salted with choice French Bay-salt, weighing 14 or 15 Pounds the Couple, one with the other, to be sold at 12 d. the Couple retail. And for Commanders of Ships taking a quantity, to be deliver'd clear of all Charges into any Boats at Billingsgate Stairs.

On May-Day, being Tuesday come Seven-night, will be expos'd to Sale by Auction, Mr. Burlace Miller's Stock of Woollich Cloth, at his Shop, the Sign of the three Bells in Ludgate-street. The Sale will begin at two a Clock in the Afternoon. Catalogues may be had at the said Shop, on Monday next: And the Goods may be seen every day.

A House at Hamstead in Bellize Lane, of three Rooms on a Floor, with a Garden and Stable to be Lett, with or without some Pasture Ground: Or a Lease of 14 Years of that and the next House to be sold, which has four Rooms on a Floor, and a very good Garden, Coach-house, Stable for four Horses, and other Conveniences, with 17 Acres of Land lying about it. Enquire of Mr. Dudley, the Constable in Hamstead, or of Mr. Pattison Porter at the Excise-Office in the Old Jury, London.

This day is publish'd,

Christian Humility: A Sermon Preach'd before the Queen at St. James's Chappel on Palm-Sunday, 1705. by the most Reverend Father in God, Dr. William King, Lord Arch-Bishop of Dublin. Publish'd by Her Majesty's Special Command. Printed for Jorah Bowyer, at the Rose in Ludgate-street, near the West-end of St. Paul's.

This day is publish'd,

The Moon-Calf; or, Accurate Reflections on the Consolidator; giving an Account of some remarkable Transactions in the Lunar World, transmitted hither in a Letter to a Friend. By the Man in the Moon. Price 6 d.

This present Tuesday will be expos'd to Sale, at the late Mr. Millington's Warehouse in St. Bartholmew's Close, a Collection of valuable Books, viz. Greek, Latin, English, Italian, French, Spanish, &c. In Divinity, Law, History, Geography, Philosophy, Physick, Mathematicks, &c. Being part of the Stock of Mr. E. Millington, Bookseller, lately deceased. Catalogues may be had of Mr. Barker in Westminster-hall, Mr. Cox without Temple-bar, Mr. Hartley in Holbourn, Mr. Knaplock in St. Paul's Church-yard, Mr. R. Parker under the Piazza of the Royal Exchange, Mr. Shirley in Oxford, and Mr. Thurlborn in Cambridge, Booksellers; and at the Place of Sale.

The fam'd Beautifying Secret of 20 Years Experience, for making the Face and Skin surprizingly white, soft and smooth, taking away Freckles, Wrinkles, marks of the Small Pox, Spots, Pimples, Redness, Tanning, Morpew, Scurf, &c. rendering those that have used it even the Wonder of the World for the exquisite Beauty and Fairness it hath given them, no Cosmetick, Wash, Water, Powder, &c. being ever known to come near it, it maketh the Breath sweet, Teeth white and fast, cures the Scurvy in the Gums, and Tooth-ach, strengthens the Sight, comforts the Brain, eases Pains in the Ears, helps Deafness, loss of Memory, heals chop'd Lips and Hands, &c. (evident Signs of its being free from Mercury, which is known to blacken and rot the Teeth and Gums, spoil the Sight, &c.) it makes the Hair grow thick, prevents its shedding, and (which is admirable) changes red Hair (in time) into a light brown, and yet is as clear and harmless as fair Water, of a pleasing Scent, being no deceit but a real Beautifier, as attested under the Hands of divers Persons of Note. To be had only of Mr. Varenne, Bookseller, at Seneca's Head near Somerset-House in the Strand. Price Five Shillings the Bottle, with Directions.

LONDON Printed, and Sold by Sam. Buckley at the Dolphin in Little-Britain.